



U.S. Department of Justice

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F.#2012R01574

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February 25, 2015

By ECF

The Honorable Sandra L. Townes
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Ahmed et al.
Criminal Docket No. 12-661 (S-2) (SLT)

Dear Judge Townes:

The government respectfully submits this letter in response to the motion filed by the defendants in the above-captioned case earlier today, relating to the government's production of materials pursuant to Title 18, United States Code, Section 3500 in connection with an upcoming deposition. In sum, the government produced the majority of the 3500 material relating to the witness two weeks ago. As is customary, the government has supplemented the initial production with notes relating to witness preparation sessions as recently as today, when the government provided a comparatively small volume of information to defense counsel.

As the Court is no doubt aware, the Jencks Act provides that "after a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce any statement (as hereinafter defined) of the witness in the possession of the United States which relates to the subject matter as to which the witness has testified." 18 U.S.C.A. § 3500(b). As the Second Circuit has observed, the Act "provides that no prior statement made by a government witness shall be the subject of discovery until that witness has testified on direct examination.[] We have previously held that Jencks Act prohibits a District Court from ordering the pretrial disclosure of witness statements." United States v. Coppia, 267 F.3d 132, 145 (2d Cir. 2001). See also In re United States, 834 F.2d 283, 286–87 (2d Cir. 1987) (granting mandamus to vacate order requiring production of witness statements); United States v. Percevault, 490 F.2d 126, 131 (2d Cir. 1974) (reversing order suppressing witnesses'

